

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN ASSEMBLY JUNE 9, 2016

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 441

Introduced by Senator Wolk

February 25, 2015

An act to add Section 6254.33 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 441, as amended, Wolk. California Public Records Act: exemptions.

(1) The California Public Records Act requires that public records be open to inspection at all times during the office hours of a public agency, defined as any state or local agency, and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law.

This bill would ~~prohibit~~ *exempt from disclosure* of any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, or an affiliate of a vendor or ~~contractor~~. *contractor; unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency.*

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating

the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254.33 is added to the Government
2 Code, to read:

3 6254.33. ~~Any~~ *Nothing in this chapter shall require the*
4 *disclosure of an* identification number, alphanumeric character,
5 or other unique identifying code ~~used by that a public agency uses~~
6 to identify a vendor or contractor, or an affiliate of a vendor or
7 contractor, ~~is confidential and shall not be disclosed pursuant to~~
8 ~~this chapter or any other state law; unless the identification number,~~
9 *alphanumeric character, or other unique identifying code is used*
10 *in a public bidding or an audit involving the public agency.*

11 SEC. 2. The Legislature finds and declares that Section 1 of
12 this act, which adds Section 6254.33 to the Government Code,
13 imposes a limitation on the public's right of access to the meetings
14 of public bodies or the writings of public officials and agencies
15 within the meaning of Section 3 of Article I of the California
16 Constitution. Pursuant to that constitutional provision, the
17 Legislature makes the following findings to demonstrate the interest
18 protected by this limitation and the need for protecting that interest:

19 This act balances the right of the public to access relevant
20 information about contractors, vendors, and their affiliates hired

1 by public agencies while preventing the misuse of identification
2 information employed by those agencies that could be used to
3 defraud public agencies.

4 SEC. 3. The Legislature finds and declares that Section 1 of
5 this act, which adds Section 6254.33 to the Government Code,
6 furthers, within the meaning of paragraph (7) of subdivision (b)
7 of Section 3 of Article I of the California Constitution, the purposes
8 of that constitutional section as it relates to the right of public
9 access to the meetings of local public bodies or the writings of
10 local public officials and local agencies. Pursuant to paragraph (7)
11 of subdivision (b) of Section 3 of Article I of the California
12 Constitution, the Legislature makes the following findings:

13 This act balances the right of the public to access relevant
14 information about contractors, vendors, and their affiliates hired
15 by local agencies while preventing the misuse of identification
16 information employed by those local agencies that may be used
17 to defraud those local agencies.

18 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district under this act would result from a legislative mandate that~~
22 ~~is within the scope of paragraph (7) of subdivision (b) of Section~~
23 ~~3 of Article I of the California Constitution.~~